

REMARKS

By the present response, Applicant has canceled claims 4 and 6 without disclaimer. Further, Applicant has amended claims 1, 5, 7, 14, 17, 32 and 48 to further clarify the invention. Claims 1-3, 5, 7-25, 32-42 and 48-54 remain pending in the present application.

In the Office Action, the Examiner has rejected claims 1-7, 13, 14, 17, 18, 20-22, 24, 25, 32-35, 39-50, 53 and 54 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0044179 ("Hunter"). Further, claim 19 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter. Claim 23 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter in view of U.S. Patent Application Publication No. 2005/0050165 ("Hamynen"). Claims 8, 9, 36 and 51 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter and further in view of U.S. Patent Application Publication No. 2004/0257457 ("Stavely et al."). Claims 10-12, 37, 38 and 52 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter in view of Stavely et al. and U.S. Patent No. 6,925,158 ("McNutt").

35 U.S.C. §102 Rejections

Claims 1-7, 13, 14, 17, 18, 20-22, 24, 25, 32-35, 39-50, 53 and 54 have been rejected under 35 U.S.C. §102(e) as being anticipated by Hunter. Claims 4 and 6 have been canceled. Applicant respectfully traverses these rejections as to the remaining pending claims.

Hunter discloses a camera-enabled cell phone that is adapted to image a machine readable code such as a bar code, decode the bar code, send the bar code data over the Internet to a resolution server that will return an associated URL that will link the camera phone to content on an information server. By taking a picture of a bar code symbol, the camera phone will automatically retrieve content from the Internet that has been linked to that bar code.

Regarding claims 1, 17, 32 and 48, Applicant submits that Hunter does not disclose or suggest the limitations in the combination in each of these claims of, inter alia, a processor capable of identifying a plurality of possible classes of data in an image, the processor identifying a class of data in the image and performing a predetermined function associated with the class of data, or where each of the plurality of possible classes of data has an associated predetermined function, or where the plurality of possible classes of data comprise data visible to a human eye and data that is unintelligible to a human eye. The Examiner asserts that Hunter discloses a processor identifying or selecting a class of data in the image and performing a predetermined function, in Fig. 1 and the Abstract. However, Hunter merely relates to a camera enabled cell phone that is adapted to image a bar code and send the bar code data over the Internet (see, Abstract, and paragraphs 5-7). This is not a processor capable of identifying a plurality of possible classes of data in the image, as recited in the claims of the present application. Hunter merely discloses a camera enabled cell phone imaging machine readable code such as a bar code. Hunter in the figures and disclosure, merely discloses a cell phone reading a bar code in an image. This is merely one type of data. This is not identifying a plurality of possible classes of data in the image, as recited in the claims of the present application.

Moreover, Hunter does not disclose or suggest each of the plurality of possible classes of data having an associated predetermined function, as recited in the claims of the present application. Hunter merely discloses reading a bar code in an image and sending the bar code data over the Internet to a server. In contrast, the limitations in the claims of the present application relate to each of the plurality of classes of data having an associated predetermined function.

Further, the Examiner appears to assert that Hunter, in Fig. 1 and paragraph 7, discloses the class of data being unintelligible to a human eye. However, these portions merely disclose, as noted previously, a cell phone capturing a machine readable code such as a bar code. Clearly, a bar code is not unintelligible to the human eye. Therefore, Hunter does not disclose or suggest where the plurality of possible classes of data comprise data visible to a human eye and data that is unintelligible to a human eye, as recited in the claims of the present application.

Regarding claims 2, 3, 5, 7, 13-14, 18, 20-22, 24, 25, 33-35, 39-47, 49-50, 53 and 54, Applicant submits that these claims are dependent on one of independent claims 1, 17, 32 and 48 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that Hunter does not disclose or suggest the limitations in the combination of each of claims 1-3, 5, 7, 13, 14, 17, 18, 20-22, 24, 25, 32-35, 39-50, 53 and 54 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claim 19 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter. Applicant respectfully traverses this rejection and submits that this claim is dependent on independent claim 17 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submits that Hunter does not disclose, suggest or render obvious the limitations in the combination of claim 19 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claim 23 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter and further in view Hemynen. Applicant respectfully traverses this rejection and submits that this claim is dependent on independent claim 17 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that Hamynen does not overcome the substantial defects noted previously regarding Hunter.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of claim 23 of the present application. Applicant respectfully requests that this rejection be withdrawn and this claim be allowed.

Claims 8, 9, 36 and 51 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter in view of Stavely et al. Applicant respectfully traverses these rejections and submits that these claims are dependent on one of independent claims 1,

32 and 48 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Stavely et al. does not overcome the substantial defects noted previously regarding Hunter.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 8, 9, 36 and 51 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 10-12, 37, 38 and 52 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter in view of Stavely et al. and McNutt. Applicant respectfully traverses these rejections and submits that these claims are dependent on one of independent claims 1, 32 and 48 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that neither Stavely et al. nor McNutt overcome the substantial defects noted previously regarding Hunter.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 10-12, 37, 38 and 52 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that claims 1-3, 5, 7-25, 32-42 and 48-54 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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Date: June 12, 2007

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